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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
SCROGGIE ETAL. : GROUP ART UNIT: 2163
SERIAL NO. 08/873,974 :
CPA FILED: AUGUST 17, 1999 : EXAMINER: ROBINSON, BOYCE A.
FOR: SYSTEM AND METHOD FOR :
DISTRIBUTING INFORMATION
THROUGH COOPERATIVE
COMMUNICATION NETWORK SITES

SECOND 37 CFR 1.191/37 CFR 1.193(b)(2)(ii) SUPPLEMENTAL BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I. Incorporation By Reference of the Appeal Brief Filed April 11, 2001

The applicant hereby incorporates by reference in it's entirety the first supplemental appeal brief filed April 11, 2001 in response to the examiner's first reopening of prosecution via the office action mailed March 09, 2001.

The only difference between the rejections in the office action mailed June 09, 2001 and the office action mailed March 09, 2001 are that the examiner has replaced reliance in the 35 USC 103(a) rejection of claims 52-59, 62-69, 72-79 and 82-89 from Sloane in view of Alsop, to Sloane in view of Narasimhan et al. (US patent No. 6,237,145 B1).

II. Supplement to Section VIII of the Appeal Brief Filed April 11, 2001

For substantially the same reasons presented in the first appeal brief, which are

incorporated herein by reference the Sloane and Narasimhan et al. combination does not suggest any claim.

The following reasoning relates to appeal brief section VIII (Argument) pages 10-17 regarding each one of claim groups 2-7 and supplements that section.

With respect to Sloane, the examiner relied upon Figure 3B in Sloane. However, Figure 3B in Sloane merely shows that a manufacturer can transmit promotional information to retailer. It does not show a cooperative network site in addition to a manufacturer computer system and a retailer computer system. Moreover, the corresponding disclosure in Sloane at column 7 lines 4-26 clearly indicates that all that Sloane discloses is that the manufacturer may download data to the retailer computer system (column 7 lines 22-26) unrelated to any other event, which teaching teaches away from the applicant's claimed concept of an interactive system which operates "in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site" (claim 50). Emphasis added.

With respect to Narasimhan et al., the examiner relies upon column 6 lines 50-59. That passage teaches away from applicants claimed invention because that passage teaches having the user input the user's request into the retailers computer system, instead of via the user's computer system, in order to receive an incentive. The examiner also relies upon column 4 lines 41-45, which disclose using user profile information. That passage, however, does not disclose a cooperative network site, and it does not disclose transmitting a consumer personal page, as asserted by the examiner at office action page 4 lines 7-9.

The examiner alleges (page 4 lines 14-17) that it would have been obvious to transmit a "geographically limited list of retailers honoring incentives in response to a query because[,] by querying, all of the unwanted data can be filtered out of the search resulting in a quick, efficient

way of obtaining desired incentive information.”

In reply, the applicant points out (1) the examiner does not rely upon any evidence and (2) there is no evidence supporting the examiner’s rationale that transmitting a geographically limited list of retailers honoring incentives in response to a query is a more efficient way of obtaining desired information. Hence, the examiner has provided no evidence supporting motivation.

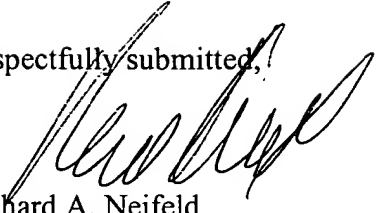
The examiner asserts that it would have been obvious to incorporate the teachings of Narasimhan et al. into Sloane because “all of these additional steps are necessary for ensuring that significant details of manufacturer selection data are sent to the correct location” (page 4 last four lines).

In reply, the applicant points out that the examiner’s conclusion is vague (“all of these additional steps”) and unsupported (“are necessary for ensuring”) by any evidence. The examiner presents no evidence suggesting “ensuring” or showing necessity. Therefore, there is no substantial evidence supporting the examiner’s rationale for the obviousness rejections.

The examiner still relies upon and the applicant still traverses, the official notice that it is allegedly old and well known in the art to have a geographical list sorted by postal code, in so far as that official notice is construed with respect to the pending claims. Hence, no evidence supports motivation with respect to the postal code limitations.

7/9/01
Date

Respectfully submitted,


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